

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

STEVEN ROFFERS and BRYAN  
LEHNER, *on behalf of themselves and  
all others similarly situated,*

Case No. 23-CV-49-JPS

Plaintiffs,

v.

KIMBERLY-CLARK USA, LLC,

Defendant.

**ORDER**

This matter comes before the Court upon the parties' joint Civil Local Rule 7(h) motion to transfer this case to the Green Bay Division pursuant to the General Order Regarding Assignment of Cases to the United States District Judge Designated to Hold Court in Green Bay, Wisconsin, as amended, effective January 1, 2005. ECF No. 10. The parties aver that the county with the greatest nexus to the case is Winnebago County, which is within the Green Bay Division. *Id.* at 2.

Within the Eastern District of Wisconsin there are two divisions, one centered in Green Bay and one in Milwaukee. 28 U.S.C. § 1404(a) allows the Court, “[f]or the convenience of parties and witnesses, in the interest of justice,” to transfer any civil action “to any other district or division where it might have been brought.” An inter-division transfer under Section 1404(a) is appropriate where (1) venue is proper in both this division and the transferee division, (2) the transferee division is more convenient for both the parties and the witnesses, and (3) the transfer would serve the

interests of justice. *See Thomas v. City of Woodstock*, No. 11 C 3602, 2011 WL 3841811, at \*1 (N.D. Ill. Aug. 30, 2011).

In this case, all three factors support transfer. First, venue is undoubtedly proper in both the Green Bay Division and this Division. *See* 28 U.S.C. § 1391(b)(1)–(2). Second, neither the parties nor the subject matter of the case has any apparent connection to any county within the Milwaukee Division, given that Plaintiffs bring claims for collective and class violations of the Fair Labor Standards Act and Wisconsin's Wage Payment and Collection Laws, which allegedly took place at Defendant's Kimtech Plant in Neenah, Wisconsin. ECF No. 10 at 2; ECF No. 1 at 2. Neenah is located within Winnebago County, which is within the Green Bay Division. Thus, it appears to the Court that litigating this matter in the Green Bay Division would conserve both parties' time and resources, as all the relevant evidence and witnesses will also be located there. *See Pacer Global Logistics Inc. v. Nat'l Passenger R.R. Corp.*, 272 F. Supp. 2d 784, 791 (E.D. Wis. 2003) (transfer is appropriate to "clearly a more convenient forum").

As required by the Court's standing order regarding inter-division transfer, the Green Bay Division has the "greatest nexus" with this case. *General Order Regarding Assignment of Cases to the United States District Judge Designated to Hold Court in Green Bay, Wisconsin, as amended, effective January 1, 2005*, available at <https://www.wied.uscourts.gov> (last visited Feb. 6, 2023). Third, the transfer would not disserve the interests of justice because this case, which has no meaningful connection to Milwaukee, has not proceeded far in this Division. Indeed, the Court has not yet entered a

scheduling order. *Thomas*, 2011 WL 3841811, at \*1 (finding inter-division transfer appropriate where all material events occurred in transferee division and the case was at an early stage).

Therefore, based upon the parties' joint motion and the facts alleged in the pleadings filed in this case, the Court finds that the requisites of Section 1404(a) are satisfied here. The Court will order that this case be transferred to the Green Bay Division for further proceedings.

Accordingly,

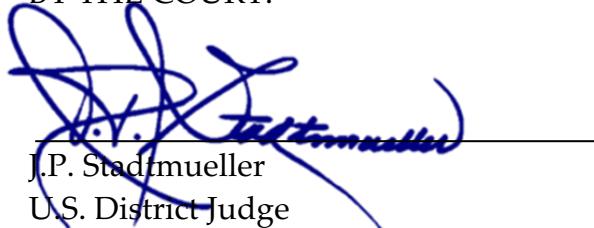
**IT IS ORDERED** that the parties' joint motion to transfer venue, ECF No. 10, be and the same is hereby **GRANTED**; and

**IT IS FURTHER ORDERED** that this case be transferred to the Green Bay Division of the United States District Court for the Eastern District of Wisconsin for further proceedings.

The Clerk of the Court is directed to take all appropriate steps to effectuate the transfer of this case to the Green Bay Division of the United States District Court for the Eastern District of Wisconsin.

Dated at Milwaukee, Wisconsin, this 7th day of February, 2023.

BY THE COURT:



J.P. Stadtmueller  
U.S. District Judge